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Attorneys for plaintiff,  
**SHERRI HELL BUSCH**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

SHERRI HELLBUSCH, an individual,  
Plaintiff,  
v.  
STEPHANIE LANE dba WILLOW WOODS STUDIOS, an individual,  
Defendant.

) ) **Civil Case No. 13 CV 01973**  
 )  
 ) **COMPLAINT FOR COPYRIGHT**  
 ) **INFRINGEMENT**  
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 ) **DEMAND FOR JURY TRIAL**  
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Plaintiff SHERRI HELLBUSCH (hereinafter “plaintiff”), by and through its counsel, alleges as her complaint against STEPHANIE LANE (hereinafter “defendant”) as follows:

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2 **NATURE OF THE ACTION**

3 1. This is an action for copyright infringement under federal law  
4 pursuant to 17 U.S.C. § 501, *et seq.*

5 **THE PARTIES**

6 2. Plaintiff SHERRI HELLBUSCH is an individual doing business as  
7 Crystal Cove Design Studio and residing in Westminster, CA.

8 3. Defendant Stephanie Lane is an individual residing in the state of  
9 Pennsylvania and doing business as Willow Woods Studio that has a business  
10 address at 5412 Legene Lane, Enola, PA 17025.

11 **JURISDICTION AND VENUE**

12 4. This Court has subject matter jurisdiction over this lawsuit under 28  
13 U.S.C. § 1338 because the action arises under the copyright laws of the United  
14 States, and pendant jurisdiction of any and all state causes of action under 28  
15 U.S.C. § 1367.

16 5. This Court has personal jurisdiction over defendant because  
17 defendant has transacted business in the Central District of California. Further, on  
18 information and belief, the defendant systematically and continuously directs  
19 business activities toward and into the Central District of California through sales,  
20 marketing and advertising on its publicly accessible interactive Internet website  
21 Etsy.com.

22 6. Defendant's web pages at Etsy.com purport to provide shipping to 50  
23 states throughout the U.S., including the Central District of California. Thus, all  
24 content that infringes plaintiff's copyright is for sale to consumers in the Central  
25 District of California. Specifically, on or about December 18, 2013, defendant  
26 transacted business with Nicole Sweeny of North Fontana, California. Attached  
27 hereto as Exhibit A is Nicole Sweeny's acknowledgment of the sale on

1 defendant's website and a true and correct copy of Nicole Sweeney's Facebook  
2 page indicating her current residence in North Fontana, California, located in the  
3 Central District of California.

4 7. On information and belief, defendant entered into systematic and  
5 continuous business in the District by offering for sale and shipping using the  
6 infringing content. In view of the foregoing, plaintiff's claims arise from  
7 defendant's contact with the Central District of California.

8 8. Venue is proper and reasonable in this district under 28 U.S.C. §  
9 1391(b)(2) because a substantial part of the events or omissions giving rise to this  
10 claim for copyright infringement occurred in this district and defendant has  
11 significant, substantial and continuous contacts with the district.

12 **FACTS**

13 9. Plaintiff SHERRI HELLBUSCH is an individual that designs and  
14 sells picture frames that are sold on the website Etsy.com.

15 10. Plaintiff's picture frame designs are the subject of U.S. Copyright  
16 Application No. 1-1053324582. As such, plaintiff's designs will be entitled to a  
17 statutory presumption of valid copyright rights upon maturation of the application  
18 into registration. Attached hereto as **Exhibit B** is a true and correct copy of  
19 plaintiff's copyright application.

20 11. On information and belief, defendant STEPHANIE LANE owns and  
21 maintains or is otherwise responsible for the content found on a webpage entitled  
22 Willow Woods Studio, hosted on the third-party website Etsy.com. Through this  
23 website, defendant sells, and has images of, picture frames substantially similar to  
24 plaintiff's copyrighted designs.

25 12. The Etsy.com website is a publicly accessible interactive website that  
26 advertises to visitors and allows visitors to make purchases and track orders.

27 13. Due to the similarity of products sold by plaintiff and defendant, the

1 parties compete directly for many of the same consumers.

2 14. Attached hereto as **Exhibit C** are respective examples of plaintiff's  
3 copyrighted design and defendant's substantially similar copy.

4 15. Defendant's copying and republication without authorization was  
5 thus willful, oppressive malicious and with wrongful intent to infringe the rights  
6 of plaintiff.

7 **CLAIMS FOR RELIEF**

8 **First Claim for Relief**

9 **(Copyright Infringement)**

10 16. Plaintiff repeats and incorporates by reference the statements and  
11 allegations in paragraphs 1 to 15 of the Complaint as though fully set forth herein.

12 17. At all times relevant hereto, plaintiff has been the owner of all  
13 copyright rights or rights to assert copyright claims for her picture frame designs  
14 and all derivative works.

15 18. Without authorization, defendant used, copied, reproduced, and  
16 republished the copyrighted material. Defendant's copying, reproduction, and  
17 republication were commercial in character and purpose. Defendant either  
18 completely or substantially used plaintiff's copyrighted content. Because the  
19 copying was for the purpose of competing with plaintiff, it did not constitute fair  
20 use under any doctrine of copyright law.

21 19. Plaintiff did not authorize defendant's copying, displaying, or  
22 republishing of the works. Defendant infringed the copyrights of plaintiff's  
23 creative works by reproducing, republishing, publicly displaying, and creating  
24 derivates of the works.

25 20. As a result of defendant's infringement, plaintiff has suffered, and  
26 will continue to suffer, substantial losses.

27 21. Defendant knew the infringed works belonged to plaintiff and that

they did not have authorization to exploit plaintiff's works. Defendant's infringements were therefore willful.

22. On information and belief, defendant induced, caused and materially contributed to the infringing acts of others by encouraging, inducing, allowing, and assisting others to reproduce and republish plaintiff's works. Further, on information and belief, defendant had knowledge of the infringing acts of others relating to plaintiff's copyrighted works.

23. On information and belief, defendant has the right and ability to control the infringing acts of the individuals and entities that directly infringed plaintiff's works. Further, on information and belief, defendant obtained a direct financial benefit from the infringing activities of the individuals or entities that directly infringed plaintiff's works.

24. Defendant's actions, as set forth above, constitute copyright infringement in violation of the Copyright Act, 17 U.S.C. § 501, *et seq.*, all to the damage of plaintiff as previously alleged.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks that this Court grant judgment against defendant for the following:

A. Defendant, its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them, be temporarily restrained, and preliminarily and permanently enjoined from:

- i. infringing plaintiff's copyrighted works;
- ii. competing unfairly with plaintiff in any manner, including infringing any of plaintiff's copyright rights; and
- iii. conspiring, encouraging, inducing, allowing, abetting, or assisting others in performing any of the activities referred to in

1 subparagraphs (i) - (ii) above.

2 B. Defendant, its officers, agents, servants, employees, and attorneys,  
3 and all persons in active concert or participation with any of them, deliver  
4 for destruction, or show proof of destruction of, any and all products, labels,  
5 signs, prints, packages, wrappers, receptacles, and advertisements, and any  
6 other materials in their possession or control that depict or reference any of  
7 plaintiff's copyrighted materials any materials or articles used for making  
8 or reproducing the same.

9 C. Defendant file with the Court and serve on plaintiff, within 30 days  
10 after the entry and service on defendant of an injunction, a report in writing  
11 and attested to under penalty of perjury setting forth in detail the manner  
12 and form in which defendant have complied with the provisions of  
13 subparagraphs (A) and (B) above.

14 D. Plaintiff recover all damages it has sustained as a result of  
15 defendant's copyright infringement.

16 E. An accounting be directed to determine defendant's profits resulting  
17 from their infringement and unfair competition and that the profits be paid  
18 over to plaintiff, increased as the Court determines is appropriate to the  
19 circumstances of this case.

20 F. Plaintiff be awarded statutory damages.

21 G. Plaintiff be awarded its reasonable attorneys' fees for prosecuting this  
22 action.

23 H. Plaintiff recover its costs of this action and pre-judgment and post-  
24 judgment interest, to the full extent allowed by law.

25 I. Plaintiff receives all other relief the Court deems appropriate.

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by the jury on its claims herein and all issues and claims so triable in this action.

Dated: December 19, 2013

Respectfully submitted,

## MANDOUR & ASSOCIATES, APC

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/s/ Ben T. Lila  
Ben T. Lila (SBN 246808)  
blila@mandourlaw.com  
Attorneys for plaintiff,  
SHERRI HELLBUSCH

**EXHIBIT A**



**EXHIBIT B**

\*-APPLICATION-\*

**Title** —————

Title of Work: Burlap Picture Frame Pictures and Descriptions

**Completion/Publication** —————

Year of Completion: 2013

Date of 1st Publication: March 1, 2013

Nation of 1st Publication: United States

**Author** —————

■ Author: Sherri Hellbusch

Pseudonym: Crystal Cove Design Studio

Author Created: 3D Art

Citizen of: United States

Year Born: 1982

Pseudonymous: Yes

**Copyright claimant** —————

Copyright Claimant: Sherri Hellbusch

8652 Palos Verdes, Westminster, CA, 92683, United States

**Certification** —————

Name: Anthony Gomez

Date: December 5, 2013

Applicant's Tracking Number: 508364906

**Registration #:**

**Service Request #:** 1-1053324582

**Priority:** Routine

**Application Date:** December 5, 2013 07:13:49 PM

**Correspondent** \_\_\_\_\_

**Name:** Sherri Hellbusch

**Email:** sherribalog@hotmail.com

**Telephone:** 214-663-7641

**Address:** 8652 Palos Verdes  
Westminster, CA 92683 United States

**Mail Certificate** \_\_\_\_\_

Sherri Hellbusch  
8652 Palos Verdes  
Westminster, CA 92683 United States

**EXHIBIT C**

